

REMARKS

This Amendment responds to the Office Action dated January 13, 2005.

The Examiner has allowed claims 1-8, 14-17, and 19-21. The Examiner objected to claim 18 because of a typographical error that has been corrected by this Amendment. Claim 18 should therefore also be allowable.

The Examiner rejected claims 9-11 under 35 U.S.C. § 102(e) as being anticipated by Ammar et al., U.S. Patent No. 6,215,766 B1 (hereinafter Ammar). Ammar discloses a multicast system that differs markedly from those disclosed in the present application. Specifically, referring to FIG. 1 of Ammar, that reference merely discloses that multimedia transmissions may be transmitted in layers, such that receivers lacking sufficient bandwidth in the pipeline to the source can selectively drop layers to improve reception. FIG. 1 of Ammar discloses three receivers, each having a different bandwidth to the sender, hence each receives a different number of layers, i.e., I, B, and P frames. Ammar does not disclose a receiver that discontinues reception of a second layer “in response to transmission of a datum of a second medium”; rather, this reference merely discloses a receiver that never receives a second layer because of insufficient bandwidth.

The Examiner contends that the claim term “medium” reads on a “physical” medium such as a transmission wire. Even if this were the case, Ammar would still not disclose all limitations of claim 9 because it does not disclose the steps of “in response to transmission of a [second] medium, discontinuing said reception of said data of said second layer... .” As stated previously, Ammar’s third receiver that receives transmission through Router 14b never received

transmission of the second layer to begin with, because it always lacked the bandwidth. Hence it never can discontinue reception.

Nonetheless, to clarify claims 9-13, independent claim 9 has been amended to claim:

- (a) receiving data of a first layer of a push medium;
- (b) receiving data of a second layer of said push medium;
- (c) in response to transmission of a datum of a pull medium, discontinuing said reception of said data of said second layer of said push medium.


The terms “push medium” and “pull medium” are known in the art, and described in the specification. Neither of those terms read upon a wire or other physical object through which a broadcast is transmitted. Thus the Examiner’s rejection is overcome by this Amendment, and Claim 9, along with its dependent claims 10-11 patentably distinguish over Ammar and should be allowable.

The Examiner rejected claims 12-13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ammar and Campbell et al., U.S Patent Pub. No. 2003/0140159A1. Claims 12-13 depend from claim 9 and also include the limitations recited above. Neither reference discloses those limitations. Therefore each of claims 12 and 13 should also be allowable.

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Amdt. Dated May 3, 2005
Reply to Office Action of January 13, 2005

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-21 of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kurt", followed by a series of stylized, overlapping loops and a long horizontal stroke extending to the right.

Kurt Rohlf
Reg. No. 54,405
Tel No.: (503) 227-5631